

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

MARCUS THURMAN,)	
)	
Plaintiff,)	
v.)	No. 1:05-CV-75
)	Collier/Carter
SGT. AKINS; CHIEF HART; G. JOHNSON-)	
ADAMS, CAPT. SWOPE; All Defendants are)	
Employees at the Hamilton County Jail,)	
)	
Defendants.)	

MEMORANDUM

Marcus Thurman (“Thurman”) has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 (Court File No. 2). On May 3, 2005, the Court issued an order directing Thurman and the defendants to file a response on or before June 6, 2005, explaining in detail the grievance procedure Thurman followed and filing copies of all grievances and appeals (Court File No. 6). Additionally, Thurman was notified that non-compliance with the Court’s order would result in the dismissal of this action. The Court specifically notified Thurman that “[f]ailure to respond to this order on or before **June 6, 2005**, will result in the dismissal of this action” (Court File No. 6, at 5).

Although Thurman subsequently filed a motion requesting appointment of counsel on May 26, 2005, and the defendants were served on May 13 and 24, 2005, there has been no response to the Court’s May 3, 2005 order. Consequently, the Court finds Thurman has failed to comply with its order.

Rule 41(b) of the FEDERAL RULES OF CIVIL PROCEDURE permits this Court to dismiss an action *sua sponte* for failure to prosecute or follow orders of the Court. This authority flows from

the Court's inherent power to control its docket, prevent undue delays in the disposition of pending cases, and avoid congested court calendars. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962).

Therefore, this action will be **DISMISSED** for Thurman's failure to prosecute and to comply with the orders of this Court. FED. R. CIV. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

A judgment will enter.

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE